IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 2665 of 2007(P)

PETITIONER:

P.V. SHERIF, ROYAL PALACE,
THEKKEMURI, SOORANADU NORTH VILLAGE.

BY ADV. SRI.RASHEED C.NOORANAD

RESPONDENTS:
---

1. THE CIRCLE INSPECTOR OF POLICE,
SASTHAMKOTTA.

2. THE SUB INSPECTOR OF POLICE,
SOORANAD.

3. SANKARANKUTTY, PUTHENPURAVADAKKATHIL
PALLI MURI, PORUVAZHY VILLAGE.

ADDL. 4. DISTRICT COLLECTOR, KOLLAM.

" 5. GEOLOGIST, GEOLOGY DEPARTMENT, KOLLAM.

" 6. PANCHAYATH SECRETARY, PORUVAZHY GRAMA PANCHAYATH,
PORUVAZHY.

" 7. VILLAGE OFFICER, PORUVAZHY VILLAGE OFFICE, PORUVAZHY.

(ADDL. RESPONDENTS 4 TO 7 ARE IMPLEADED AS PER ORDER DATED 24.1.07 IN I.A.NO.1297 OF 2007)

R1,R2,R4,R5 & R7 BY G.P.SRI.P.A.SALIM
BY ADV. SRI.B.MOHANLAL
SRI.S.SUDHEESHKAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.2665/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: THE RELEVANT PHOTOGRAPHS OF THE PROPERTY SHOWING ITS LIE AND NATURE.

EXT.P2: A TRUE COPY OF THE ORDER OF THE COURT OF THE MUNSIFF-MAGISTRATE, SASTHAMCOTTA DTD. 02.01.07.

EXT.P3: A TRUE COPY OF THE WRITTEN COMPLAINT SUBMITTED BEFORE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS:

EXT.R3(a): TRUE COPY OF THE RESOLUTION NO.IV/6 DATED 29.4.2006 PASSED BY THE 6TH RESPONDENT.

EXT.R3(b): TRUE COPY OF ORDER NO.A.459/2007 DATED 20.1.2007 ISSUED BY THE R.D.O.KOLLAM.

// TRUE COPY //

TKS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.2665 OF 2007

Dated 19th February, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection. So long as Ext.R3(a) and Ext.R3(b) are existing, the petitioner cannot extract soil. Therefore, unless Ext.R3(a) and Ext.R3(b) are vacated, police protection cannot be granted. The writ petition is disposed of without prejudice to the right of the petitioner to move statutory authorities for vacating the prohibitory orders.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

tks